

RESOLUTION NUMBER 15-112

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WESTFIELD, INDIANA REGARDING CERTAIN TAX ABATEMENT DEDUCTIONS PREVIOUSLY APPROVED FOR AUTOMATIC POOL COVERS, INC.

WHEREAS, pursuant to Indiana Code 6-1.1-12.1-1, et. seq. (the “Act”), the City of Westfield, Indiana (the “City”) by and through its Common Council acting in its capacity as the fiscal body of the City and acting as the designating body identified in the Act (the “Council”) has the right and opportunity to abate the payment of real property taxes for real estate located within an area declared by the Council to be an Economic Revitalization Area and to also abate the payment of personal property taxes within the Economic Revitalization Area;

WHEREAS, pursuant to the Act, the Council may find that a particular area within the jurisdiction of the City is an Economic Revitalization Area and may by adoption of a resolution declare such area to be an Economic Revitalization Area which resolution must be confirmed, modified, or rescinded;

WHEREAS, the Council adopted its Resolution Number 03-08 (the “Declaratory Resolution”) on September 8, 2003 pursuant to the Act declaring the area whose boundaries are located within the corporate boundaries of the City more particularly described in Exhibit A attached hereto and made a part hereof which is also shown on the map attached hereto as Exhibit B (the “Area”) and made a part hereof as an Economic Revitalization Area in which property owners making application to the City pursuant to the Act subsequently approved by this Council pursuant to the Act may receive real property tax abatement and/or personal property tax abatement pursuant to the applicable procedures of the Act;

WHEREAS, the Council, after following all applicable procedures of the Act, took final action adopting Resolution Number 03-09 (the “Confirmatory Resolution”) on October 18, 2003 confirming the Declaratory Resolution, thereby establishing an Economic Revitalization Area;

WHEREAS, the Council, after following all applicable procedures of the Act, amended the Confirmatory Resolution by adopting Resolution Number 07-19 (the “Amended Confirmatory Resolution”) on November 12, 2007;

WHEREAS, Automatic Pool Covers, Inc. (the “Original Applicant”) has previously filed with this Council a Statement of Benefits, Personal Property (Form SB-1/PP) (“Form SB-1”) which described the proposed project (the “Project”) to be installed by the Original Applicant, in order to receive personal property tax abatement for the Project;

WHEREAS, the Project included the installation of new manufacturing, logistical distribution, and information technology equipment consisting of production and information technology equipment in the Original Applicant's manufacturing facility to be constructed and located in the Area which will be utilized by the Original Applicant in its manufacturing operations located in the Area;

WHEREAS, this Council previously reviewed the Form SB-1;

WHEREAS, this Council previously made a finding that the improvement of the Area would be of public utility, would be to the benefit and welfare of the citizens and taxpayers of the City and also made the specific statutory findings required by the Act and adopted its Resolution Number 11-01 approving personal property tax deductions for the Project under the Act for a period of five (5) years utilizing the schedule of deduction provided in the Act as in effect in 2011 provided, however, the effectiveness of the designation may be terminated by this Council in accordance with the Act;

WHEREAS, the Project has been installed, however, some portions of the Project are owned by the Original Applicant, and some portions of the Project are owned by Soul Provider, Inc. and Cover Care, LLC which are related entities to the Original Applicant (Automatic Pool Covers, Inc., Soul Provider, Inc. and Cover Care, LLC are collectively referred to as the "Applicant");

WHEREAS, the Original Applicant has requested that this Council approve Soul Provider, Inc. and Cover Care, LLC receiving the benefit of the previously approved personal property tax abatement for those portions of the Project owned by Soul Provider, Inc. and Cover Care, LLC respectively on the same terms and subject to the same restrictions as those contained in Council Resolution Number 11-01.

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF
THE CITY OF WESTFIELD, INDIANA AS FOLLOWS:**

SECTION I. The allocation of personal property tax deductions for the Project among the Original Applicant, Soul Provider, Inc. and Cover Care, LLC reflecting the respective ownership interest of the Original Applicant, Soul Provider, Inc. and Cover Care, LLC are hereby approved. The period for personal property tax deductions under the Act for the Project shall be five (5) years utilizing the five (5) year period applicable under Council Resolution Number 11-01 so that there is no extension of the specific calendar years for which the personal property tax deductions are available utilizing such schedule provided in the Act as in effect in 2011 provided, however, the effectiveness of the designation may be terminated by this Council in accordance with the Act.

SECTION II. Pursuant to the Act, the Council shall cause to be filed a certified copy of this Resolution with the Hamilton County Auditor.

SECTION III. This Resolution shall be in full force and effect immediately upon its adoption.

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ADOPTED AND PASSED THIS 13TH DAY OF APRIL, 2015, BY THE
WESTFIELD COMMON COUNCIL, HAMILTON COUNTY, INDIANA.

WESTFIELD COMMON COUNCIL
Hamilton County, Indiana

WESTFIELD COMMON COUNCIL

Voting For

Voting Against

Abstain

Jim Ake

Jim Ake

Jim Ake

Steve Hoover

Steve Hoover

Steve Hoover

Robert L. Horkay

Robert L. Horkay

Robert L. Horkay

Charles Lehman

Charles Lehman

Charles Lehman

Bob Smith

Bob Smith

Bob Smith

Cindy L. Spoljaric

Cindy L. Spoljaric

Cindy L. Spoljaric

Robert Stokes

Robert Stokes

Robert Stokes

ATTEST:

Cindy Gossard, Clerk-Treasurer
City of Westfield, Indiana

I hereby certify that RESOLUTION 15-112 was delivered to the Mayor of Westfield on the _____ day of _____, 2015, at ____:____.m.

Cindy Gossard, Clerk-Treasurer

I hereby APPROVE Resolution 15-112

this _____ day of _____, 2015

at ____:____.m.

J. Andrew Cook, Mayor

I hereby VETO Resolution 15-112

this _____ day of _____, 2015

at ____:____.m.

J. Andrew Cook, Mayor

I affirm under the penalties of perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. /s/ James T. Crawford, Jr.

This document prepared by James T. Crawford, Jr., Esq. Krieg DeVault LLP, 12800 North Meridian Street, Suite 300, Carmel, IN 46032, (317) 238-6239.

KD_7193462_1.docx

EXHIBIT A

Legal Description of Area

Commonly Known as 17303 Oak Ridge Road, Westfield, Indiana

PARCEL 25: Part of the Northwest Quarter of Section 1, Township 18 North, Range 3 East in Washington Township, Hamilton County, Indiana, described as follows:

COMMENCING at the Northeast corner of the Northwest Quarter of Section 1, Township 18 North, Range 3 East, said corner being located 79.77 feet North 89 degrees 49 minutes 58 seconds East (assumed bearing) from the Southeast corner of Southwest Quarter of Section 36, Township 19 North, Range 3 East; thence South 89 degrees 49 minutes 58 seconds West on the North line of said Northwest Quarter 476.30 feet to the centerline of Westfield Park Road; thence South 01 degree 02 minutes 08 seconds West on the centerline of Westfield Park Road 582.00 feet to the point of curvature of a curve to the right having a radius of 325.00 feet; thence Southwesterly, curving to the right, on said centerline, an arc distance of 98.38 feet to the point of tangency of said curve, thence South 18 degrees 22 minutes 43 seconds West on said centerline and tangent to said curve 121.06 feet to the point of curvature of a curve to the left having a radius of 300.00 feet; thence Southwesterly, curving to the left on said centerline, an arc distance of 96.23 feet to the point of tangency of said curve; thence South 00 degrees 00 minutes 00 seconds on said centerline and tangent to said curve 757.22 feet; thence South 90 degrees 00 minutes 00 seconds West, leaving said centerline, 567.54 feet to the PLACE OF BEGINNING of the within (aka Grassy Branch); thence South 90 degrees 00 minutes 00 seconds West 147.25 feet to the Westerly line of real estate described in a Warranty Deed recorded as Instrument 8803348 in the Office of the Recorder of Hamilton County, Indiana; thence South 01 degrees 04 minutes 34 seconds East on the Westerly line of said real estate 761.48 feet to the South line of said Northwest Quarter; thence North 86 degrees 46 minutes 06 seconds East on the South line of said Northwest Quarter 676.56 feet to the Westerly right-of-way line of the aforesaid Westfield Park Road; thence North 00 degrees 00 minutes 00 seconds on said right-of-way line 86.85 feet, said point being the approximate centerline of the aforesaid Anna Kendall Legal Drain; thence Northwesterly with the meandering of the centerline of said Legal Drain to the place of beginning, containing 7.6 acres, more or less.

Subject to the Statutory Easement for the right-of-way of the Anna Kendall Legal Drain (aka Grassy Branch).

Subject to a 20 foot wide Utility Easement lying West of and adjacent to the West right-of-way line of Westfield Park Road, per Dedication of Utility Easement to the Town of Westfield, Indiana, per a document recorded as Instrument 89-22665 in the Office of the Recorder of Hamilton County, Indiana.

Subject to all other legal easements and rights-of-way.



Part of the West Half of the Northwest Quarter of Section 1, Township 18 North, Range 3 East, Hamilton County, Indiana, and being more particularly described as follows:

Beginning at the intersection of the West line of said half-quarter section with the South right of way line of Chicago and Southeastern Railroad; thence South along said west line to the Southwest corner of said half-quarter section; thence East along the South line of said half-quarter section 80 rods to the Southeast corner thereof; thence North along the East line of said half-quarter section to said south railroad right of way line; thence West along said south right of way line to the point of beginning and containing 47.5 acres, more or less. Subject to all legal easements and rights of way of record.

EXHIBIT B



Legend

-  Economic Revitalization Area (the "Area")
-  Automatic Pool Covers, Inc. (the "Project")

